

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 AEC-05 CIAE-00 H-01

INR-07 L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03 PRS-01

SAJ-01 SAM-01 SP-02 SS-15 USIA-06 TRSE-00 RSC-01

NSC-05 BIB-01 DODE-00 OES-03 FEA-01 /098 W

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P 041000Z FEB 75

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 0400

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY MOSCOW PRIORITY

AMEMBASSY TOKYO PRIORITY

AMEMBASSY THE HAGUE PRIORITY

USMISSION IAEA VIENNA PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY LUXEMBOURG PRIORITY

AMEMBASSY BRUSSELS PRIORITY

C O N F I D E N T I A L GENEVA 0655

FROM USDEL NPT PREPCOM

E.O. 11652: GDS

TAGS: PARM

SUBJECT: NPT REVIEW CONFERENCE--PARTICIPATION BY SIGNATORIES

REF: STATE 024425

1. PARA 2 REFTEL GIVES EXISTING INSTRUCTIONS FOR USDEL WHICH HAVE NOT BEEN CHANGED. THIS MESSAGE OUTLINES PRESENT SITUATION CONCERNING PARTICIPATION IN NPT REVIEW CONFERENCE BY SIGNATORIES WHO HAVE NOT RATIFIED TREATY.

2. DURING FIRST PREPCOM MEETING, APRIL, 1974, USDEL
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(AS WELL AS SOVIETS AND UK) TOOK POSITION REVIEW

CONFERENCE SHOULD BE OPEN ONLY TO PARTIES. IT WAS CLEAR, HOWEVER, THAT MANY DELEGATIONS FELT DIFFERENTLY. MANY OF THEM APPEARED TO BELIEVE THAT EXCLUDING SIGNATORIES WOULD TEND TO INHIBIT THEIR EVENTUAL RETIFICATION WHILE WELCOMING THEM TO REVIEW CONFERENCE WOULD BE POSITIVE ENCOURAGEMENT FOR COMING INTO TREATY WITH FULL STATUS. IN SOME CASES, DELEGATIONS ALSO FAVORED SEATING AT REVIEW CONFERENCE OF STATES WHO HAD NOT SIGNED TREATY, WITH IDEA OF LETTING THEM EXPLAIN WHAT THEY FOUND WRONG WITH NPT.

3. DURING SECOND PREPCOM SESSION, SEPTEMBER, 1974, MEXICAN DELEGATION INTRODUCED PROPOSAL ALONG FOLLOWING LINES, WHICH APPEARED TO HAVE BROAD SUPPORT:

A. SIGNATORIES WOULD HAVE "RIGHT TO PARTICIPATE, WITHOUT VOTE, IN THE DELIBERATIONS OF THE CONFERENCE".

B. ANY OTHER STATE, IF MEMBER OF UN OR OF SPECIALIZED AGENCY OR IAEA, COULD PARTICIPATE AS OBSERVER.

ACTION ON THIS MEXICAN PROPOSAL AND OTHER PROPOSALS FOR PARTICIPATION BY NON-PARTIES WAS POSTPONED PRINCIPALLY DUE TO STRONG ARGUMENTS BY USDEL THAT NO ACTION SHOULD BE TAKEN WHICH MIGHT STRENGTHEN HAND OF THOSE IN SIGNATORY COUNTRIES WHO OPPOSED RATIFICATION AND WHO MIGHT SEIZE ON OBSERVER STATUS AS EXCUSE FOR NON-RATIFICATION.

4. OUTWARDLY USDEL HAS CONTINUED TO TAKE LINE THAT SIGNATORIES SHOULD BE ENCOURAGED TO RATIFY AND ATTEND REVIEW CONFERENCE AS PARTIES. SINCE THIS IS LAST MEETING OF PREPCOM, HOWEVER, DECISION MUST BE TAKEN WITHIN NEXT FEW DAYS ON STATUS FOR SIGNATORIES AND OTHER NON-PARTIES. IN CONSULTATION WITH OTHER DELEGATIONS WHO SHARE OUR VIEWS, USDEL HAS BEEN WORKING TO PRODUCE FORMULA WHICH WILL PROVIDE SOMEWHAT MORE DISTINCTION BETWEEN PARTIES AND SIGNATORIES THAN THAT CONTAINED IN MEXICAN PROPOSAL ABOVE, WHICH CONFIDENTIAL

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OTHERWISE WOULD BE EXPECTED TO RECEIVE OVERWHELMING SUPPORT. IN BRIEF, SIGNATORIES WOULD HAVE TO APPLY TO CONFERENCE SECRETARY GENERAL FOR ACCESS TO CONFERENCE, COULD ATTEND PLENARY AND MAIN COMMITTEES (BUT NOT STEERING OR CREDENTIALS OR SIMILAR COMMITTEES), BUT NOT TAKE PART IN DECISION-MAKING PROCESS OR BECOME OFFICERS OF CONFERENCE, WOULD HAVE TO MAKE WRITTEN REQUEST TO CHAIR FOR RECOGNITION IN DEBATE, AND WOULD BE ENTITLED TO SUBMIT

PAPERS TO CONFERENCE. OTHER STATES WHO HAVE NOT SIGNED TREATY COULD BE ADMITTED AS OBSERVERS BUT MUST GAIN APPROVAL OF CONFERENCE AS A WHOLE AFTER SUBMITTING APPLICATION TO SECRETARY GENERAL. THESE OBSERVERS WOULD HAVE NO RIGHT TO SPEAK IN DEBATE BUT ONLY TO SUBMIT PAPERS TO PARTICIPANTS AT OWN EXPENSE.

5. IN LAST FEW DAYS AS IMPRESSION HAS SPREAD AMONG DELEGATIONS THAT BROAD PRIVILEGES SHORT OF ABILITY TO TAKE PART IN DECISIONS MIGHT BE ACCORDED SIGNATORIES, IDEA HAS GROWN THAT SIGNATORIES SHOULD ALSO SHARE IN EXPENSE OF CONFERENCE. VIEWS VARY FROM PUTTING SIGNATORIES AUTOMATICALLY IN SAME CATEGORIES AS PARTIES TO "INVITING" SIGNATORIES WHO CHOOSE TO ATTEND TO CONTRIBUTE ON SAME BASIS AS PARTIES.

6. AT THIS TIME, IT IS USDEL ESTIMATE (SHARED BY UK, USSR, AND OTHER DELEGATIONS WHOM WE HAVE CONSULTED) THAT STATUS FOR SIGNATORIES AND OBSERVERS WILL BE ESTABLISHED SOMEWHERE BETWEEN LINES OF MEXICAN PROPOSAL AND ALTERNATIVES OUTLINED ABOVE. USDEL PLANS TO ACQUIESCE IN SUCH CONSENSUS DECISION AS BEST THAT CAN BE DONE.

7. FRG AND JAPANESE DELEGATIONS HAVE BEEN IN CLOSE TOUCH WITH US (AND OBVIOUSLY ALSO WITH OTHER DELEGATIONS INCLUDING USSR) AND HAVE MADE KNOWN THEIR STRONG DESIRE TO ATTEND IN BEST POSSIBLE STATUS IF THEY ARE NOT ABLE TO RATIFY TREATY BEFORE REVIEW CONFERENCE. SINCE STATUS OF PRECOM DELEGATE IS KNOWN TO ALL CONCERNED, WE HAVE NOT DENIED TO FRG AND JAPANESE THAT MOVES ARE UNDERWAY TO ESTABLISH SOME KIND OF STATUS

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FOR SIGNATORIES BUT HAVE WARNED THEM THAT MATTER NOT YET DECIDED AND THAT IT REMAINS HIGHLY PREFERABLE FOR SIGNATORIES TO RATIFY AND SO PARTICIPANTS AS FULL PARTIES. WE HAVE ALSO INDICATED THAT THERE IS WIDE SENTIMENT FOR ASSESSING SIGNATORIES ON BASIS SIMILAR TO PARTIES, THIS SECOND PRODUCED NO NOTICEABLY ADVERSE REACTIONS BUT ONLY REQUESTS FOR ESTIMATES OF PROBABLE AMOUNT TO BE ASSESSED.

8. IN IS USDEL VIEW THAT WE HAVE ABOUT REACHED POINT WHERE HOLDING BACK ON STATUS FOR SIGNATORIES HAS PRODUCED MAXIMUM LEVERAGE ON SIGNATORIES FOR RATIFICATION WHICH WE CAN EXPECT. MAINTENANCE OF SUCH PRESSURE BY REFUSAL TO ACQUIESCE IN SPECIAL STATUS FOR SIGNATORIES AT THIS PREPCOM SESSION, THUS LEAVING

QUESTION FOR REVIEW CONFERENCE ITSELF, MIGHT HAVE
MARGINAL EFFECT TOWARDS ADDITIONAL RATIFICATIONS,
IT WOULD ALSO, IN OUR VIEW, RUN RISK OF OFFENDING
OUR ALLIES WHO FEEL, IN SOME CASES, THAT THEY HAVE
DONE EVERYTHING POSSIBLE TO PRODUCE RATIFICATIONS.
MOREOVER, ONLY ADAMANT STAND BY USDEL COULD STEM
TREND TOWARDS APPROVAL OF STATUS FOR SIGNATORIES,
ESPECIALLY SINCE USSR HAD ALREADY STATED IN SECOND
SESSION THAT IT WOULD AGREE TO SUCH STATUS. WE
COULD TAKE THIS ACTION ONLY AT GRAVE COST TO OUR
OTHER INTERESTS IN PREPCOM. WE THEREFORE DO NOT
INTEND TO DO SO. DALE

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